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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,426	04/01/2002	Naoki Yasuda	401527	8792

23548 7590 08/01/2003  
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EXAMINER
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METZMAIER, DANIEL S

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 08/01/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/030,426	Applicant(s)	YASUDA ET AL.
Examiner	Daniel S. Metzmaier	Art Unit	1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 April 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1,3-11 and 13-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-23 is/are allowed.
- 6) Claim(s) 1,3-9 and 11 is/are rejected.
- 7) Claim(s) 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

Claims 1, 3-11 and 13-23 are pending.

### *Priority*

1. The instant application is filed under 35 U.S.C. 371 as PCT/JP00/03077 and does not claim priority under 35 U.S.C. 119(a)-(d).

### *Drawings*

2. The amended drawing, FIG.3A, is informal due to the change of "A" to "IIIB" to designate the "cross-sectional view" in figure 3A". Applicants have amended the specification at page 5, line 9, without filing a corresponding formal drawing.

A proposed drawing correction is approved by the examiner and corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will NOT be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Taguchi et al, US 6,426,620. Taguchi et al (column 13, lines 58 et seq, Embodiment 6, Fig. 22 and 23) discloses magnetic field sensing devices employing the claimed arrangement wherein designation 3 of figure 22 is a an integrated circuit; designation 14 is a resist, which is a resin layer of polyamide PVSQ (silicon ladder polymer) or the like (column 14, lines 48-51); and designation 9 is a GMR element (giant magnetoresistance element).

The method in which the resin film is made (ie., photocurable) is indistinct from the polymer in the Taguchi et al as the resist. The instant claim 7 characterizes a silicon ladder polymer, which claim 6 generically encompasses.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al, US 6,426,620. Taguchi et al discloses sensor devices as set forth in the above anticipation rejection.

To the extent the Taguchi et al reference differs from the claims 5 and 11 in the polymers being photo-cured polymers, said polymerization is conventional in making polymer films in the electronic field and has not been shown to impart patentable distinction to the claimed sensors.

The Taguchi et al reference differs from claim 8 in the use of plural cured polymer layers as the resin layer. The Taguchi et al reference (column 14, lines 13-14) teaches the Si oxide film 15. The Taguchi et al reference further teaches other appropriate film materials may be employed in place of the Si oxide film 15.

It would have been obvious to one of ordinary skilled in the art at the time of applicants' invention to employ a cured polymer that is inert to the process solvents, which is the purpose of the Si oxide film 15 (column 12, lines 27-31). Furthermore, any two separately made films would be expected to have some variation in molecular weight.

***Allowable Subject Matter***

8. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 13-23 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose or fairly suggest the use of two cured polymer layers set forth in claim 10 have the claimed molecular weights.

The prior art does not disclose or fairly suggest the process steps of making a sensor element by the sequential heating steps and wherein the sensor is formed on the resin film.

The prior art does not disclose or fairly suggest the claimed arrangement of the air flow sensor claimed in claim 15 wherein the sensor is formed on the resin film.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 3-11, 13-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on (703) 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Daniel S. Metzmaier  
Primary Examiner  
Art Unit 1712

DSM  
July 25, 2003